

Before the Surface Transportation Board

NEBKOTA Railway, Inc. --)
Abandonment Exemption -) AB 988 (Sub-no. 1X)
Dawes and Sheridan Counties, NE)

ENTERED
Office of Proceedings

MAR 25 2008

Part of
Public Record

221911

Motion for Sixty Day Extension
in NITU Negotiation Period
(Action Requested by March 29, 2008)
(No filing fee per 49 C.F.R. 1002.2(e)(1))

Nebraska Game and Parks Commission (NGPC) moves, with the consent of counsel (Todd McWha, Waite McWha & Harvat, 116 North Dewey St., North Platte, NE 69103) for NEBKOTA, for a sixty (60) day extension in the NITU negotiation period applicable in this proceeding.

Filing fee representation. Because NGPC is an agency of the government of the State of Nebraska, filing fees for this extension are waived pursuant to 49 C.F.R. 1002.2(e)(1).

Background for motion for extension. The NITU negotiation currently expires on March 29, 2008. See Decision, this docket, served October 1, 2007. The sixty days sought will extend the period through May 28, 2008. This is the first extension sought.

The rail line at issue is a portion of the former Chicago & North Western "Cowboy Line" across northern Nebraska. Pursuant to a tripartite agreement entered into over a decade ago between (a) C&NW, (b) NEBKOTA, and (c) Rails to Trails Conservancy (RTC), approximately 250 miles of the line were railbanked (see 16 U.S.C. 1247(d)) with the NGPC and the remaining roughly 83 miles were transferred to NEBKOTA for continued rail operation, subject to rights held by NGPC in connection with acquiring the remainder of the line for railbanking should NEBKOTA seek abandonment

FILING FEE WAIVED

authority for all or any portion of it. NGPC wishes to preserve the entire rail corridor and has accordingly sought railbanking authority for the segment involved in this case.

As noted, the applicable NITU negotiation period expires on March 29. NEBKOTA very recently advised NGPC that NEBKOTA needs approximately 60 additional days beyond March 29, 2008, to complete appraisals and other administrative tasks before supplying an appropriate deed for the segment of the former C&NW "Cowboy Line" at issue here.

In order to ensure that there is no possibility of a lapse in this Board's jurisdiction for railbanking purposes, NGPC, with the support and consent of NEBKOTA, requests a sixty day extension of the NITU negotiation period. With apologies for the brevity of time, we request action by March 29 if possible, noting that NEBKOTA consents to the request and it is non-controversial.

Conclusion

For the reasons stated, this Board should extend the NITU negotiation period for sixty days through and including May 28, 2008.

By my signature below, I certify service by email and by U.S. Mail, postage pre-paid first class, upon Mr. Todd McWha, counsel for NEBKOTA, at his address stated in the above text.

Respectfully submitted,

Charles H. Montange
426 NW 162d St.
Seattle, WA 98177
(206) 546-1936
For Nebraska Game and Parks Commission

Of counsel:

Katie Spohn, Esq.
Chief, Agriculture, Environment,
and Natural Resources Section
Nebraska Attorney General's Office
(402) 471-2682